UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,560	10/24/2003	Jeff Sloan	SLP-123-A	3599

7590 09/17/2007	EXAMINER
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ART UNIT	PAPER NUMBER
3609	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/693,560	SLOAN ET AL.
	Examiner	**Art Unit**	
	John A. Anderson	3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>1/20/2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7,15-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Hammond et al PGPUB (US2002/0082977 A1).

As regards claim 1; Hammond et al discloses a valuation data analysis system

comprising:

a) A valuation data processing system configured to receive the valuation data,

the data processing system configured to process the valuation data to identify

relationships between similar items currently listed for sale and previously sold items. [cl

1, line 5]

It is understood that the auction listing data is a public available listing and the non-

public database.

As regards claim 2, Hammond et al discloses the system of claim 1 further

comprising a currently listed item for sale of interest to a potential buyer comparatively

displayed with respect to valuation data based at least in part on the relationships

identified by the valuation data processing system. [cl 3] Examiner interprets valuation

data to be same as auction data.

As regards claim 3, Hammond et al discloses the system of claim 2 further

comprising an auction web site, wherein the auction web site hosts auctions of interest

to a potential bidder.[cl 3] ,[005].

It is understood that the auction web site host auctions used simultaneously by the

potential bidder and seller. The examiner interprets the auction as one and the same

site used by both buyer and seller.

As regards claim 4, Hammond et al discloses the system of claim 1, wherein the

valuation data represent choices made by a potential buyer searching listed items for

sale. [cl 3]

Hammond further states [0008] to collect data related to auction sales initiated by a

seller in order to provide continuously updated information to the seller. The body of

data collected comes from the listing options and the auction outcomes. This

information is from and of interest to both the seller and the buyer.

As regards claim 5, Hammond et al discloses the system of claim 1, wherein the

valuation data includes at least one of an opening bid, a closing bid, and a completed

sale price. [cl 5]

As regards claim 6, Hammond et al discloses the system of claim 1, wherein the valuation data includes an identification of a currently listed item for sale. [cl 6]

As regards claim 7, Hammond et al discloses the system of claim 1, wherein the valuation data includes an identification of a previously sold item. [cl 6]

It is understood that the closing bid data is used as historical data for previously sold items and is interpreted as identification of a previously sold item.

As regards claim 15 Hammond et al discloses a method for a valuation data analysis system comprising the steps of:

a) Identifying a listed item open for bidding at auction; [cl 14 line 2]

b) Identifying a plurality of auction listings for items similar to the item open for bidding; [cl 14 line 3]

c) Mining valuation data from the identified auction listings; [cl 14 line 7]

d) And identifying relationships between the listed item open for bidding and closing prices for similar items, and the mined valuation data from the identified auction listings. [cl 14 line 9]

It is understood that the mining valuation data from the identified auction listings is the same as monitoring the identified auction listings.

As regards claim 16, Hammond et al disclose the method of claim 15 further comprising the step of displaying valuation data in at least one of text and graphic format for comparison and evaluation by a potential bidder.

For example, one of the data fields collected from an on-line auction can be a free text description of the product. [0052]. In one embodiment, the system graphs the relationship between the number of products to be sold against likely closing prices. [0095]. The bid price and bid activity is monitored at each of the auction sites. Some on-line auction sites typically provide data. [0127]

As regards claim 17 Hammond et al discloses the method of claim 16 further comprising the step of automated mining of valuation data from new auction listings.

[0127] This information can be automatically gathered by the auction data mining system.

As regards claim 18 Hammond et al discloses the method of claim 17 further comprising the step of refining the identified relationships based at least on the mined valuation data from new auction listings [page 7 paragraph 17]. The steps 208 and 210 can be repeated again and again to further refine the optimal setting that are likely to maximize auction outcome [0080].

As regards claim 20, Hammond et al discloses a method for a valuation data analysis system comprising the steps of:

a) Identifying an item to be purchased; [cl 18, line 2]

b) Identifying a plurality of marketplaces selling items similar to the identified item; [cl 18, line 3]

c) Selecting a marketplace based on at least one of current sales of items similar to the identified item in the marketplace, bidding activity related to items similar to the identified item, comparison of quality characteristics related to items similar to the identified item, and comparison of sale completion data related to purchasers of items similar to the identified item; [cl 18, line 5]

d) Collecting data for items similar to the identified item offered in the identified marketplaces. [cl 18, line 10]

e) Analyzing the data to determine supply and demand; and based on at least the determined supply and demand, determining a relative purchase price for the identified item in the marketplace. [cl 18, line 1]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-10, 12-14, 19 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hammond et al (PGPUB US2002/0082977 A1).**

As regards claim 8, Hammond et al discloses a method for a valuation data analysis system comprising the steps of:

a) Identifying a set of item search parameters; [cl 8 line 2]

b) Identifying a plurality of auction listings based on the item search parameters; [cl 8, line 3]

c) Identifying valuation data for each of the identified plurality of auction listings; and [cl 8 line 4]

Hammond does not explicitly disclose displaying a comparison of auction listings as a function of the set of item search parameters based on at least one of the identified valuation data for the identified plurality of auction listings.

However, **Hammond discloses** determining a function that yields an output value as a function of the auction listing variables.[cl8]

It is understood that displaying a comparison as a function of the item search parameters is inclusive of a function that yields an output value as a function of auction listing variables.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the invention of Hammond to display a comparison of the search parameters. The motivation would be to provide data useful to the bidding customers.

As regards claim 9, Hammond et al discloses the method of claim 8, wherein the comparison displayed is related to at least one of a minimum closing price, a maximum closing price, and an average closing price from similar auction listings.

Data is analyzed to identify correlations between item listing options and desirable auction results, such as closing bid price. [Abstract]

It is understood that displaying a comparison of closing prices is interpreted as the same as identifying correlations between item listing options.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the invention of Hammond to display a comparison of the closing price. The motivation would be to provide data useful to the bidding customers.

As regards claim 10, Hammond et al discloses the method of claim 8, wherein the comparison displayed is a graphic bell curve of closing prices from similar auction listings. [0105 last sentence]

Hammond et al does not disclose a graphic bell curve of closing prices.

However, Hammond discloses that curve fitting can be performed on these data points.

It is understood that graphic bell curve of closing prices is interpreted as plotting the curve closing auction data.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the invention of Hammond to display a curve on data from the closing prices. The motivation would be to provide data useful to the bidding customers.

As regards claim 12, Hammond et al discloses the method of claim 8 further comprising the step of displaying the identified plurality of auction listings, wherein the valuation data for each of the plurality of auction listings has a different set of values than any other of the auction listings. [cl 12]

As regards claim 13, Hammond et al discloses the method of claim 8, wherein the plurality of auction listings is listed on a plurality of different on-line auction sites. [cl13]

As regards claim 14, Hammond et al discloses the method of claim 8, wherein the item search parameters result in displayed valuation data including identification data of at least one of a prior seller, a current seller, a prior purchaser, a prior bidder, and a current bidder.

[0008] In one embodiment, a system is preferably configured to collect data related to auction sales initiated by a seller in order to provide continuously updated information to the seller. The collected data may additionally include factors or characteristics of auctions, in addition to closing price, that may be of interest to the seller, such as the total number of bids on an item.

It is understood that item search parameters result in valuation data for at least one seller is the same as collected data from auction sale data initiated by the seller.

As regards claim 19 Hammond et al discloses the method of claim 15, wherein the mined valuation data includes identification data of at least one of a prior seller, a current seller, a prior purchaser, a prior bidder, and a current bidder.

[0008] In one embodiment, a system is preferably configured to collect data related to auction sales initiated by a seller in order to provide continuously updated information to the seller. The collected data may additionally include factors or characteristics of auctions, in addition to closing price, that may be of interest to the seller, such as the total number of bids on an item.

It is understood that item search parameters result in valuation data for at least one seller is the same as collected data from auction sale data initiated by the seller.

As regards claim 21, Hammond et al discloses the method of claim 20, wherein the marketplace is an on-line auction marketplace.

[0005] On-line web-based auction sites such as EBay have provided a new and flexible market for a broad range of items.

As regards claim 22, Hammond et al disclose the method of claim 21, wherein the on-line auction marketplace is selected based on the number of listings for items similar to the identified item.

The many available on-line auctions provide numerous options for listing items for sale. This includes the number of similar items listed for sale, among other factors.[0005]

The method also includes selecting an auction marketplace based at least upon at least one of current sales of items similar to the item in the marketplace [0013 third sentence].

As regards claim 23, Hammond et al discloses the method of claim 20 further comprising the step of analyzing the collected data to identify if sufficient data is available for a statistically meaningful comparison with the identified item.

[0058] At a step 206 of the method 200, the relationships between auction outcome and collected predictor variables are analyzed to create one or more models predictive of auction outcome.

It is understood that sufficient data must be available such that the data be statistically meaningful. Sufficient data must be used in predictive models so that the results can be statistically reliable. It would have been obvious to a person of ordinary skill in the art at the time of the invention to make the statistically meaningful comparisons.

As regards claim 24, Hammond et al discloses the method of claim 20 further comprising the step of analyzing the collected data to identify related items similar to the identified item, where the related items have quality characteristics different than quality characteristics associated with the identified item.

[0008] In one embodiment, a system is preferably configured to collect data related to auction sales initiated by a seller in order to provide continuously updated information to the seller. The collected data may additionally include factors or characteristics of

auctions, in addition to closing price, that may be of interest to the seller, such as the total number of bids on an item.

As regards claim 25, Hammond et al discloses the method of claim 20, wherein the collected item data includes identification data of at least one of a prior seller, a current seller, a prior purchaser, a prior bidder, and a current bidder.

The method also includes ranking the plurality of auctions based at least upon at least one of a current bid price, a number of bidders, [0014]

[0008] In one embodiment, a system is preferably configured to collect data related to auction sales initiated by a seller in order to provide continuously updated information to the seller. The collected data may additionally include factors or characteristics of auctions, in addition to closing price, that may be of interest to the seller, such as the total number of bids on an item.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hammond et al (PGPUB US2002/0082977 A1)** in view of **Harmon et al (US 2004/0039696 A1).**

As regards claim 11, Hammond et al discloses the method of claim 8 further comprising the step of permitting a potential buyer to place a bid on an item offered at auction based on at least one of the identified valuation data; [cl 11].

Hammond et al does not disclose a potential buyer placing a bid on an item offered at auction.

However, **Hammon et al discloses** If the user finds an acceptable bid or offer and accepts the bid or offer, then the intermediate steps of placing bid or making an offer are omitted and a payment transaction is automatically completed at step 714 in the manner described above for the accepted bid or offer. [0124]

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the invention of Hammon in view of Hammond to provide the ability to brows for an acceptable bid or offer and to accept the bid or offer. The motivation would be to provide bidders with a means of placing a bid.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Anderson whose telephone number is 571-270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AKM ULLAH can be reached on 571-2722361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John A Anderson
Examiner
Art Unit 3609

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AKM ULLAH
SUPERVISORY PATENT EXAMINER